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Attorney for Defendant
DEVON WENGER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
DEVON WENGER,
Defendant.

No. 4:23-cr-00268 JSW

**DEFENDANT’S ADDITIONAL AUTHORITIES
RE MOTION FOR JUDGMENT OF
ACQUITTAL (FRCP 29); MOTION FOR NEW
TRIAL (FRCP 33)**

Defendant, DEVON WENGER, by and through his attorney of record, Dena Marie Young, hereby submits the following Additional Authorities re: Defendant’s Motion for Judgment of Acquittal and Motion for New Trial.

LIST OF ADDITIONAL AUTHORITIES

1. Federal Rules of Evidence, Rule 16(G)(iii): The disclosure must include “ a complete statement of all opinions that the government will elicit from the witness in its case-in-chief, or during its rebuttal to counter testimony that the defendant has timely disclosed under (b)(1)(C).”

- 1 2. *United States v. Briscoe*, 703 F.Supp.3d 1288, 1294 (D. New Mexico 2023) – “The
2 government must disclose the specific opinions that will be elicited and not simply provide a
3 general description of the topics that will be covered”
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- 5 3. *United States v. McKinney*, 429 F.2d 1019, 1026 (5th Circuit 1970) - “Implicit in these
6 cases is the assumption that when jury misconduct is alleged in the defendant's motion for
7 new trial, the trial judge has a duty to take the following actions: he must conduct a full
8 investigation to ascertain whether the alleged jury misconduct actually occurred; if it
9 occurred, he must determine whether or not it was prejudicial; unless he concludes that it was
10 clearly not prejudicial, he must grant the motion for new trial; if he concludes that it did not
11 occur or that it was clearly not prejudicial, he must spell out his findings with adequate
12 specificity for meaningful appellate review.”
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14 Dated: June 30, 2025

Respectfully Submitted,

16 /s/ Dena Marie Young
17 DENA MARIE YOUNG

18 Attorney for Defendant
19 DEVON WENGER
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